

STATE OF TEXAS §
COUNTIES OF ARANSAS §
SAN PATRICIO AND NUECES §
CITY OF ARANSAS PASS §

On this the 4th day of January, 2010 the City Council of the City of Aransas Pass convened in a Regular Council Meeting being open to the Public at the regular meeting place thereof in the City Hall and notice of said meeting giving the time, place, date and subject hereof having been posted and prescribed by Chapter 551 of the Texas Government Code with the following attendance to wit constituting a quorum.

PRESENT: Tommy Knight, Mayor
Jay Attaway, Mayor Pro Tempore
Vickie Abrego, Council Member
Phillip Hyatt, Council Member
Karen Mayer, Council Member

ABSENT:

ADMINISTRATIVE
PERSONNEL PRESENT: Reggie Winters, City Manager
Ada Owens, City Secretary

ADMINISTRATIVE
PERSONNEL ABSENT: Allen Lawrence, City Attorney

STAFF PRESENT: Bill Haines Asst. Chief of Police

OTHERS PRESENT: James Hale, Lu & Ralph Arcemont, Donald & Jeanie Brummett, Alpha & Jim Covington, Marilyn Rimer/Herald Newspaper, Michael Cary/Progress Newspaper, Jimmie Nabours

There may have been others present who did not sign in.

ITEM 1. CALL MEETING TO ORDER.

Mayor Knight called the meeting to order at 7:00 p.m. on January 4, 2010.

ITEM 2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG.

Council Member Abrego gave the invocation. Mayor Knight led the Pledge of Allegiance to the United States flag.

ITEM 3. CONSIDER AND ACT ON APPROVAL OF MINUTES OF DECEMBER 21, 2009.

Council Member Mayer made the motion to approve the minutes of December 21, 2009. Council Member Hyatt seconded the motion and the motion carried unanimously.

ITEM 4. CONSIDER AND ACT ON APPROVING RESOLUTION 2010-630 – MANIFESTING A CONN BROWN HARBOR LEASE BETWEEN THE CITY OF ARANSAS PASS AND ARANSAS PASS SEAFOOD PACKERS, LLC AND ACCEPTING CERTAIN TERMS AND CONDITIONS.

Mayor Knight stated Erickson & Jensen Seafood (leasing as Aransas Pass Seafood Packers, LLC) wanted to lease the former JBS Packing lease site. He stated the property had been vacant for three or four years and the City had not collected rent from JBS before that (as JBS was in bankruptcy). He stated he had worked on the lease since July or August with Mr. Erickson. He stated Mayor Pro Tem Attaway and Mike Sullinger had helped with the terms of the lease. He stated the lease was for twenty years with a twenty-year option. He stated repairs made on the property would be reimbursed to the lessee for five years, up to the amount paid by Aransas Pass Seafood Packers, LLC for the lease. He stated at the end of five years the lessee would pay the going rate, per square foot, for the building.

City Attorney Allen Lawrence stated there was an amendment to the lease in the Council’s packet that was a “right of first refusal” which had been left out of the lease. He stated should the City ever sell the property and should the City ever have an offer, the lessee would have the right to meet the same offer to buy the property or refuse purchase of the property, if the citizens approved the sale of the property.

Council Member Abrego stated she had a problem with a twenty-year lease. She stated twenty years was too long a period when the City was looking at possibly developing the Harbor. She stated the business may not comply with the development design of the Harbor. She stated five or ten years would be better, but with the option, the lease would be for forty years. She stated she did not agree with the length of time (of the

lease).

Mayor Pro Tem Attaway stated talking about future development of the Harbor, one of the things the City has to do to satisfy the Corps of Engineers permit to redevelop the Harbor is to provide a place for the shrimping industry.

Council Member Abrego stated she understood that but thought the design might not fit in when the Harbor was developed. She stated the Council should look at charging more (for the lease) and the citizens will not have any money coming in at all on the lease.

Mayor Knight stated (the citizens) will get the docks fixed and the dilapidated building fixed. He stated if the lessee abandons the lease, it goes back to the City plus Mr. Erickson is in the option years of his current Harbor lease which is 400 feet on the northern part of the Harbor, and has agreed when that option is up he will move out. He stated that would free the whole north end of the Harbor up for development and keep all the shrimp boats in one spot, instead of scattered all over the Harbor as they have been.

Council Member Mayer asked what about the oil spill (on the property from the previous lessee)?

The City Attorney stated there were provisions in the lease that hold the lessee harmless from any responsibility. He stated everything had been fully disclosed to the lessee and the exhibit from Naismith Engineering attached to the back of the lease states the (environmental) problems and methods to clean the property.

Mayor Pro Tem Attaway made the motion to adopt Resolution 2010-630 – Manifesting a Conn Brown Harbor lease between the City of Aransas Pass and Aransas Pass Seafood Packers, LLC and accepting certain terms and conditions. Council Member Mayer seconded the motion and the motion carried with Mayor Knight, Mayor Pro Tem Attaway, Council Member Hyatt and Council Member Mayer voting yes and Council Member Abrego voting no.

ITEM 5. CONSIDER AND ACT ON OFFER TO SETTLE LIENS ON TAX RESALE PROPERTY LOTS 14, 15 & 16, BLOCK 441.

Mayor Knight stated the demolition, weed lot and paving liens totaled \$9,043.10 with interest and Jim Landrigan had offered \$1,400.00 to settle all the liens.

Council Member Mayer stated that (offer) did not even cover the principal. She stated the Council could not forgive the principal on liens, just the interest.

Council Member Mayer made the motion to refuse the offer to settle liens on tax resale property Lot 14, 15 and 16, Block 441. Mayor Pro Tem Attaway seconded the motion and the motion carried.

ITEM 6. DISCUSSION REGARDING CITY COUNCIL CHAMBERS' SOUND SYSTEM.

Discussion was held regarding the possibility of replacing the existing microphones with lapel microphones, at the request of Jim Covington. Mr. Covington stated he and other members of the audience could not hear the Council because the microphones had to be placed too far away from the Council Members.

The Council instructed the City Secretary to check the feasibility of using lapel microphones.

ITEM 7. CITIZENS' COMMENTS.

There were none

ITEM 8. RECESS REGULAR MEETING AND RETIRE TO EXECUTIVE SESSION PURSUANT TO CHAPTER 551 OF TEXAS GOVERNMENT CODE.

Recessed into Executive Session at 7:17 p.m.

Section 551.074 Deliberations Regarding Personnel – Evaluation of City Manager.

ITEM 9. RECONVENE IN REGULAR MEETING AND CONSIDER AND ACT ON FINDINGS OF EXECUTIVE SESSION.

Reconvened into Regular Session at 8:04 p.m.

Section 551.074 Deliberations Regarding Personnel – Evaluation of City Manager

ITEM 10. CITIZEN'S COMMENTS.

ITEM 11. ADJOURNMENT OF MEETING.

Mayor Knight adjourned the meeting at 8:05 p.m.

ATTEST:

Ada Owens, City Secretary